

# REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF  
LAGO DE SAN MARCOS; TM 5388, R07-009, LOG NO. 04-08-032

March 13, 2008

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES  
☐

NO  
☐

NOT APPLICABLE/EXEMPT  
☒

Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
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Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
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Discussion:

The project will obtain its water supply from the Vallecitos Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

**IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The <a href="#">Steep Slope</a> section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

**Wetland and Wetland Buffers:** The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year.

**Floodways and Floodplain Fringe:** The project is not located near any floodway or floodplain fringe area as defined in the Resource Protection Ordinance (RPO), nor is it near a watercourse plotted on any official County floodway or floodplain map.

**Steep Slopes:** The average slope for the property is under fifteen percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. The project is in conformance with the RPO.

**Sensitive Habitats:** No sensitive habitat lands were identified on the site as determined on a site visit conducted by DPLU Staff on August 6, 2004. Therefore, it has been found that the proposed project complies with Article IV, Item 6 of the Resource Protection Ordinance.

**Significant Prehistoric and Historic Sites:** A review of the paleontological maps provided by the San Diego Museum of Natural History, combined with available data on San Diego County's geologic formations indicates that the project is located on geological formations that have high resource potential. High resource potential is assigned to geologic formations known to contain paleontological localities with rare, well-preserved, critical fossil materials for stratigraphic or paleoenvironmental interpretation, and fossils providing important information about the paleobiology and evolutionary history of animal and plant groups. Although the property has been previously graded, a paleontological monitor shall be present on-site until all mass excavation or remedial grading is complete to evaluate the presence of fossils. The paleontologist shall have the authority to direct, divert, or halt any grading activity until such time that the sensitivity of the resource can be determined and the appropriate mitigation implemented.

Prior to approval of the Final Map, the applicant shall furnish documentary evidence to the satisfaction of the Director of Planning and Land Use that prepared fossils, along with copies of field notes, photos, and maps have been deposited in a scientific institution such as the San Diego Natural History Museum. Please see the initial study dated March 13, 2008 for more information.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES  
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NO  
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NOT APPLICABLE  
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Discussion:

The project Storm Water Management Plan by Lundstrom and Associates dated December 12, 2006 is complete and in compliance with the Watershed Protection Ordinance (WPO).

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES  
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NO  
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NOT APPLICABLE  
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Discussion:

The project will comply with County Noise Ordinance regulations and the General Plan Noise Element. Proposed project will be exposed to vehicle traffic noise from Rancho Santa Fe Road and Lake San Marcos Drive. According to the noise report, noise affected balcony areas will have noise levels as high as 59.9 CNEL at Building 6 and 52.7 CNEL at the common recreational area. All project balconies will incorporate a 42-

inch high solid guard wall. Due to the proposed intervening condominium units and the proposed 42-inch high solid guard wall, no exterior mitigation would be necessary for noise sensitive outdoor use areas. For balcony noise level details, refer to Table 2b and Figure 5b in the noise report. The location of the 60 dBA CNEL contour will saturate the entire project site. Staff recommends a Noise Protection Easement over the entire lot. Dedication of the noise protection easement will ensure that proposed project will comply with County noise regulations.

Noise impacts to the proposed project from adjacent land uses are not expected to exceed the property line sound level limits of the County of San Diego Noise Ordinance. Please see the initial study dated March 13, 2008 for more information.

**NOTE: OTHER POLICIES/ORDINANCES** – There are numerous other [Board Policies](#) State and Federal Laws that can apply to the project. To aid in this determination, use the GIS Application to determine if there are “Special Areas” or Board Policy I-72 that may apply. The Background Research conducted by the Student workers should expose these additional policies and ordinances.

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